

19.01.2023

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rejected

C.R.M. (NDPS) No. 78 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Suti Police Station Case No. 305 of 2022 dated 28.05.2022 under Sections 20(b)(ii)(c )/29 of the NDPS Act.

And

In Re : Abhijit Mallick @ Avijit Mallick ..... petitioner

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

... for the petitioner

Mr. Ranadeb Sengupta

... for the State

Learned Counsel for the petitioner submits he is in custody for 230 days. It is also submitted that he was not in the vehicle wherefrom narcotic substance was recovered. His signature does not appear in the seizure memorandum. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits two vehicles were proceeding down the road. One vehicle was escorting the other. Petitioner was in the vehicle escorting one which was carrying narcotic substance. Bail prayer of the co-accuseds similarly circumstanced with the petitioner has been turned down.

We have considered the materials on record. Statements of the witnesses and attending circumstances show two vehicles were proceeding together. Narcotic substance was recovered from one of the vehicles. Presence of the petitioner at the spot is

evidenced through the statements of the witnesses and the memorandum of arrest. Bail prayer of co-accuseds has been turned down. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**